

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PATRICK RONALD RUSSELL,

4:09CV3249

Plaintiff,

v.

**MEMORANDUM
AND ORDER**

ROBERT HOUSTON, DENNIS
BAKEWELL, MELVIN ROUF,
CURTIS MOFFAT, MICHAEL
EDISON, and MARK DANNER,

Defendants.

This matter is before the court on Plaintiff's Motion to Extend Time to Respond to Defendants' Motion for Summary Judgment. (Filing No. [30](#).) In his Motion, Plaintiff alleges that he is in administrative segregation and is being denied access to the "bulk" of his legal materials. (*Id.* at CM/ECF p. 1.) He asks the court to extend his time to respond to Defendants' Motion until 90 days after he is released from segregation. (*Id.* at CM/ECF p. 2.)

Pursuant to [Federal Rule of Civil Procedure 56](#), Plaintiff was required to respond to Defendants' Motion by July 9, 2010. [Fed. R. Civ. P. 56\(c\)\(1\)\(B\)](#). Plaintiff filed his Motion to Extend on August 2, 2010. (Filing No. [30](#).) Plaintiff's current confinement in segregation does not explain why he failed to file a timely response to Defendants' Motion. Indeed, Plaintiff's Motion to Extend shows that he does, in fact, have access to the courts. Moreover, Plaintiff does not specify which legal materials he has been denied. Nevertheless, because Plaintiff is proceeding *pro se*, the court will provide Plaintiff with an additional 30 days to respond to Defendants' Motion.

IT IS THEREFORE ORDERED that: Plaintiff's Motion to Extend (filing no. [30](#)) is granted in accordance with this Memorandum and Order. Plaintiff shall have until September 6, 2010, to respond to Defendants' Motion for Summary Judgment.

DATED this 5th day of August, 2010.

BY THE COURT:

Richard G. Kopf
United States District Judge

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